

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
September 8, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:00 p.m. on Monday, September 8, 2008.

Present and composing a quorum were:  
Mayor Louis Cooper  
Councilman Stan McCormick  
Councilman Bobby Rosenthal  
Mayor Pro-Tempore Councilwoman Jill Souter  
Councilman Bill Kiel  
Councilwoman Susan Harwell

Also attending were:  
City Manager Rebecca Waldman  
City Attorney Mike Brenan  
Assistant to City Manager/Information Technology Manager Marian Ramirez  
Finance Director Cynthia Barr  
Human Resource Manager/Deputy City Secretary Judith E. Surratt  
City Secretary Denise M. Silva  
Community Development Director Ann McGlone  
Public Works Director Shawn P. Eddy  
Police Chief Rick Pruitt  
Fire Chief Bill Hagendorf

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Mayor Louis Cooper called the meeting to order at 5:07 p.m.

*Item #1* Mayor Cooper announced that City Council would start that evening by interviewing two individuals interested in serving on a City board or commission. Community Development Director Ann McGlone introduced Phil Solomon and Dr. Stephen Waller to City Council. Mr. Solomon and Dr. Waller shared their backgrounds and vision for the community and answered Council members' questions on various issues.

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At 5:25 p.m., Mayor Cooper declared City Council would take a short break until 5:30 p.m. The City Council meeting resumed the order of business at 5:30 p.m.

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*Item #2* Mayor Cooper asked City Council for any corrections to the minutes of the August 11, 2008, City Council Meeting. After brief discussion, a motion was made by Councilwoman Susan Harwell to approve the minutes of August 11, 2008 as amended. Motion was seconded by Councilman Bobby Rosenthal and passed by unanimous vote.

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*Item #3* Police Chief Pruitt recognized Alamo Heights High School student Amber Ramirez for her contributions during a summer internship program with the Alamo Heights Police Department Criminal Investigations Division (CID). Detectives Tom Vitacco and Mike Davis expressed their appreciation of Amber's assistance and contributions to the CID. Amber was presented with a plaque and Certificate of Appreciation on behalf of the Mayor and City Council.

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*Item #4* City Manager's Report

- City Manager Rebecca Waldman provided an update on CPS Energy Transformers issue. Ms. Waldman reported that, following the August 25, 2008 City Council meeting, members of the Infrastructure and Services Committee met with CPS Energy Environmental Management and Distribution Engineering staff. Ms. Waldman stated that in addition to its current inspection and replacement programs, CPS Energy has agreed to perform a visual inspection of all overhead transformers with the City of Alamo Heights. All units that are considered to be at risk of containing PCBs will be identified and their name plate information will be digitally photographed. This nameplate information will be used to cross reference available manufacturers' PCB transformer information to further screen transformers for testing. All units manufactured before each respective manufacturer ceased using PCBs in their transformers will be selected for testing. The additional visual inspection program will begin this week and test results are expected within 2 to 3 months.
- Ms. Waldman provided an update on 308 Torcido regarding the pool issue. Ms. Waldman reported that members of the Neighborhood Character and Commercial Revitalization Committee met to discuss this case last week. In consultation with the City Attorney, the committee decided not to address the pool issue at this time. Ms. Waldman noted that the owners of 308 Torcido have requested consideration of several variances from the Board of Adjustments at their September 10 meeting. Ms. Waldman stated that it is possible that the owners may request the case be continued until the regular meeting of the Board of Adjustment on October 1<sup>st</sup>.
- Ms. Waldman advised City Council that a Request for Qualifications (RFQ) for facility design services was released September 5<sup>th</sup>. The RFQ is posted at the City's website and was advertised in the Sunday edition of the San Antonio Express News. The deadline for bid submittals is October 3<sup>rd</sup>. Staff hopes to make a recommendation to City Council at the October 27<sup>th</sup> City Council meeting.

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Citizens to be heard concerning items not listed on the agenda

Ms. Sara Reveley, 436 Corona, commented on what transpired after she shared her concern to the City Council regarding the safety of transformers. Ms. Reveley submitted a

copy of her comments to City Council. (A copy of Ms. Reveley's comments are on file with the official documents of this meeting.)

Ms. May O'Neal, 434 Abiso, thanked Councilman Bill Kiel for his in-depth research on the fluoridation issue. Ms. O'Neal stated she opposes fluoridation of the city's water supply.

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*Item #5* At 5:55 p.m., Mayor Cooper opened the Public Hearing on the Proposed Fiscal Year 2008-2009 Annual Operating Budget. There being no public comment, Mayor Cooper closed the public hearing at 5:55 p.m.

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#### Staff Reports

*Item #6* Police Chief Rick Pruitt reported that the Alamo Heights Fire and Police Departments will be conducting the Citizens' Emergency Services Academy on Thursday evenings beginning September 18<sup>th</sup> through November 13<sup>th</sup>. Class times will be 6:00 p.m. to 10:00 p.m. Police Chief Pruitt noted that information on the academy was published in the August 2008 issue of the City's newsletter. Notice will be sent to the City's e-mail subscribers during September. The *North San Antonio Times* was contacted to publish an article announcing the academy.

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*Item #7* Ms. Cynthia Barr, Finance Director, presented the Finance and Investment Report for the quarter ending June 30, 2008. Ms. Barr stated that the City continues to maintain a strong financial position in both the General and Utility Funds. Ms. Barr noted that the city is well within its planned budget for FY 2008.

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#### Items for Individual Consideration

*Item #8* Police Chief Pruitt presented for City Council's consideration, a donation from Alamo Heights Rotary Club in the amount of \$7,200.00. Police Chief Pruitt stated that staff recommends authorization to accept the generous donation and noted that the donated funds will be allocated to fund the Drug Abuse Resistance Education (D.A.R.E.) Program.

A motion was made by Councilwoman Jill Souter to accept the donation. Motion was seconded by Councilman Stan McCormick and passed by unanimous vote. Mayor Cooper presented a Certificate of Appreciation to Marlene Merritt, President of the Alamo Heights Rotary Club. Mayor Cooper and Council Members thanked Ms. Merritt for the club's generosity.

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*Item #9* Mayor Cooper read the caption to an ordinance.

## AN ORDINANCE ADOPTING AN UPDATED FISCAL AND BUDGETARY POLICY.

Finance Director Cynthia Barr presented a proposed Ordinance for City Council's consideration to adopt a new Fiscal and Budgetary Policy. Ms. Barr stated staff recommends approval of the ordinance and explained that the policy coincides with changes implemented with the new City Charter adopted in November 6, 2007. Ms. Barr noted that the proposed changes include changing the fiscal year from April 1 – March 31 to October 1 - September 30, utilizing the Strategic Action Plan to guide the budget development process, changing the Operating reserve in the General Fund to equal 3 months of departmental allocations, establishing an emergency reserve equal to 5% of departmental allocation, updating purchasing of goods or services to be consistent with State law, and the creation of a Capital Replacement Fund.

After brief discussion, a motion was made by Councilwoman Jill Souter to approve the Ordinance adopting a new Fiscal and Budgetary Policy. Motion was seconded by Councilman Bill Kiel and passed by unanimous vote.

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*Item #10* Community Development Director Ann McGlone presented a PowerPoint presentation on a request for a Demolition Permit for 103 Eaton Street, (readdressed to 300 Circle Street), by Mike Bunning, owner, represented by Peter DeWitt Architect, to demolish the existing one-story house for the purpose of constructing a new two-story house and one and one-half story detached garage on a property zoned Multi Family – D. Ms. McGlone explained that the address change was her decision based on the design of the proposed single family house. Ms. McGlone noted that staff recommends approval of the project and informed City Council that four communications had been received on this project: one expressing opposition, two in support with stipulations and one in support of the project as presented.

Peter DeWitt, Architect, representing the owner, answered City Council Members' questions concerning site plans, setbacks, lot coverage, paving, landscaping, alley and impact the proposed garage may have to the alley.

Dan Snyder, 302 Circle, stated he opposes the address being changed from 103 Eaton Street to 300 Circle Street. Mr. Snyder stated that the front door of the proposed project should stay on Eaton Street. Mr. Snyder commented he has no problem with the design of the project but is concerned with how the new survey has impacted his portion of the alley, noting that the fence was removed and has caused him to lose a portion of his property.

Dawn Levy, 421 Circle, stated she supports Mr. Snyder's efforts, inquired if the front door could stay on Eaton Street and commented that the project's design is beautiful and has no problems with the design.

Steve Prichard, 419 Circle, asked City Council to defer their decision for sixty (60) days to allow for more time to consider the impact on Mr. Snyder's property.

There was discussion with City Council Members and staff concerning the alley, survey lines and options to address Mr. Snyder's situation.

Mr. Prichard expressed his concern that the address change could allow someone sufficient space to construct multi-family units.

After discussion, a motion as made by Councilwoman Jill Souter to approve the demolition permit request as submitted subject to the condition that the property's newly assigned address of 300 Circle Street shall be changed back to 103 Eaton Street if the proposed replacement structure is not substantially constructed according to the plans submitted to and considered by the City Council on this date. Motion was seconded by Councilman Bobby Rosenthal.

Prior to voting, Councilwoman Susan Harwell inquired on Mr. Snyder's fence issue. Public Works Director Shawn Eddy clarified that the fence Mr. Snyder was referring to is not on his property and stated that the proposed new project will not encroach on Mr. Snyder's property. Councilman Bill Kiel commented that in this case, the risk of constructing multi-family units would come from joining properties together, not from one sole property. The property (referring to 103 Eaton Street/300 Circle Street) does not have required space to construct multi-family units. Councilwoman Harwell stated she hopes that neighborhoods zoned multi-family can be reviewed during the comprehensive plan process.

Motion passed by unanimous vote.

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*Item #11* Mayor Cooper read the caption to the following ordinance.

AN ORDINANCE REPEALING ORDINANCE NO.  
1547, PASSED AND APPROVED ON MAY 10,  
2004, WHICH AUTHORIZED THE  
FLUORIDATION OF THE CITY WATER SUPPLY

Public Works Director Shawn Eddy presented background information on the issue of fluoridation of the City's water supply including the cost estimate to purchase and install fluoridation equipment and estimated annual cost of fluoridation. Mr. Eddy explained that after staff's report at the August 25, 2008, City Council meeting, Council Member Bill Kiel requested that this item be placed on the September 8, 2008 agenda for the City Council to discuss and possibly repeal the 2004 ordinance that authorized the fluoridation of the City's water supply.

Alan Schoenbaum, 203 Corona, commented on the changes to past and current data surrounding fluoridation, including medical benefits and cost of fluoridation.

Tom Napier, Fluoridation Engineer with the Texas Department of Health (TDH), stated that fluoridation is a safe and effective procedure. Mr. Napier noted that the price of fluoridation has greatly increased only in the last couple of years and went on to share information on the cost savings to the community. Mr. Napier explained the operation of fluoridation equipment and how data is gathered.

Ben Taylor, representing the San Antonio District Dental Society, informed City Council that his organization supports fluoridation of the water supply and shared the benefits of fluoridation to consumers. Mr. Taylor answered City Council members questions concerning statistics, cost benefit ratios and dental fluorosis.

Dr. Corky Carnahan, 4001 N. New Braunfels Avenue, commented that there is no public health initiative more researched than the augmentation of public water supply by fluoridation.

Ms. Nikki Kuhns, 331 Twisted Wood, stated she opposes fluoridation and shared recent information she has learned about fluoridation. Ms. Kuhns referenced Dr. Hardy Lineback, expert on fluoridation, and a video on the fluoridation deception.

Dr. Rebecca Wilson, pediatric physician in Alamo Heights, 343 Wildrose, stated she supports fluoridation of the city's water supply. Ms. Wilson added that her practice educates patients on dental care and strongly stressed the importance of and methods of cavity prevention.

Gregg Chislett, 428 Normandy, commented that there appears to be sufficient questions and evidence to debate the benefits of fluoridation of drinking water. Mr. Chislett indicated that the city should not fluoridate if there is widespread debate on the fluoridation issue.

Dr. David Cappelli with the University of Texas Health Science Center (UTHSC) in San Antonio, stated water fluoridation is effective, safe, cost-effective and provides benefits to everyone regardless of economic status. Dr. Cappelli stated that the number of public water suppliers that fluoridate is increasing, 70% of public water suppliers in the country are fluoridated, and that fluoridation is a national trend. Dr. Cappelli encouraged City Council to vote favorably for community water fluoridation.

Pat Evans, 140 Patterson, stated she does not favor adding more chemicals to the city's water supply and opposes fluoridation.

Margaret Spencer, 140 Patterson, stated she opposes fluoridation of the city's water supply and commented that the city's money should go toward the capital improvement projects.

Councilman Bill Kiel clarified information and studies conducted by the National Research Council regarding fluoridation. Mr. Kiel explained how the study findings were established. Mr. Kiel stated that he was originally in favor of fluoridation but after he conducted intense research on the issue he now has great concerns about water fluoridation and the manner study findings and recommendations are being presented by various associations. Mr. Kiel stated that while other cities may have fluoridation in their water supply, he does not think fluoridation is right for Alamo Heights.

Mr. Schoenbaum commented that Alamo Heights' residents and people moving to Alamo Heights think the city has fluoridated water because of the ordinance that was passed years ago. Mr. Schoenbaum suggested that if fluoridation of the city's water supply

does not occur, the city should notify residents and explain the reason why the water is not fluoridated so residents can perhaps seek other methods to receive fluoride.

Dr. Cappelli stated that the Center of Disease Control (CDC) published an article in July 2008 supporting water fluoridation and recommending fluoridation of community water systems.

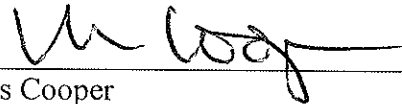
After discussion, a motion was made by Councilman Bill Kiel to approve the proposed ordinance to repeal Ordinance 1547. Motion was seconded by Councilman Bobby Rosenthal. City Council members expressed their views and concerns with fluoridation including the overall cost of implementing and maintaining fluoridation, current priorities of the city regarding infrastructure, the requirement to install the chemical in close proximity to a school and residences, as well as the on-going debate concerning the effectiveness of ingested fluoride. Mayor Cooper called for a vote on the motion which passed unanimously.

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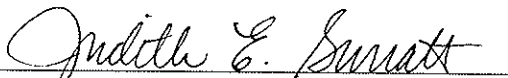
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There being no further business, a motion was made by Councilman Stan McCormick to adjourn the meeting. Motion was seconded by Councilman Bill Kiel and passed by unanimous vote. Mayor Cooper adjourned the meeting at 8:55p.m.



Louis Cooper  
Mayor



Judith E. Surratt  
Deputy City Secretary